

2013 DRAFTING REQUEST

Bill

Received: 3/21/2013	Received By: tdodge
Wanted: 3/29/2013 4:00:00 PM	Same as LRB: -3495
For: David Craig (608) 266-3363	By/Representing: Amy Lewis
May Contact:	Drafter: tdodge
Subject: Insurance - health	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Craig@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Requiring legislative action for the implementation of exchanges under federal health reform law

Instructions:

Redraft AB 531 but limit it only to requiring legislative action to implement exchanges under PPACA.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 4/2/2013	kfollett 4/2/2013	jmurphy 4/3/2013	_____			
/P1	tdodge 8/19/2013			_____	mbarman 4/3/2013		State
/1		kfollett	phenry	_____	sbasford	srose	State

Vers. Drafted

Reviewed
8/21/2013

Typed
8/21/2013

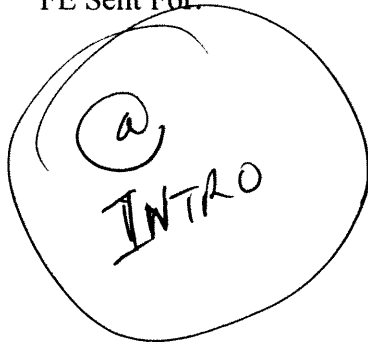
Proofed

Submitted
8/21/2013

Jacketed
10/22/2013

Required

FE Sent For:



<END>

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/?	tdodge 4/2/2013	kfollett 4/2/2013	jmurphy 4/3/2013	_____			
/P1	tdodge 8/19/2013			_____	mbarman 4/3/2013		State
/1		kfollett	phenry	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		8/21/2013	8/21/2013	_____	8/21/2013		

FE Sent For:

<END>

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Wanted: 3/29/2013 4:00:00 PM Same as LRB:
For: David Craig (608) 266-3363 By/Representing: Amy Lewis
May Contact: Drafter: tdodge
Subject: Insurance - health Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Craig@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

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/?	tdodge 4/2/2013	kfollett 4/2/2013	jmurphy 4/3/2013	_____			
/P1		11/5f 8/24	pr gm	_____	mbarman 4/3/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **3/21/2013** Received By: **tdodge**
 Wanted: **3/29/2013 4:00:00 PM** Same as LRB:
 For: **David Craig (608) 266-3363** By/Representing: **Amy Lewis**
 May Contact: Drafter: **tdodge**
 Subject: **Insurance - health** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Craig@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
pam.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Requiring legislative action for the implementation of exchanges under federal health reform law

Instructions:

Redraft AB 531 but limit it only to requiring legislative action to implement exchanges under PPACA.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge	1P1/Kf 4/2	gm 4/2	gm pk 4/2			

FE Sent For:

<END>

Dodge, Tamara

From: Lewis, Amy
Sent: Monday, April 01, 2013 3:24 PM
To: Dodge, Tamara
Subject: RE: 2011 AB 531 redraft

Tami,

Thanks for your email. I apologize for the delay in getting back to you.

The Representative wants the prohibition without legislative approval to apply to: implementation, requesting grants or other moneys, and expending moneys of the state to assist the federal government *in the establishment of a health insurance exchange under PPACA only*.

Does that make sense?

Thanks,

Amy Lewis
Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

From: Dodge, Tamara
Sent: Tuesday, March 26, 2013 8:42 AM
To: Lewis, Amy
Subject: 2011 AB 531 redraft

Amy,

I am working on the redraft of 2011 AB 531 and I wanted to confirm something. On page 3 of that bill, there were 3 actions prohibited without legislative approval: implementation, requesting grants or other moneys, and expending moneys of the state to assist the federal government. I understand the redraft is limited to creation and implementation of American health benefits exchanges. Did you want just the first prohibited action? (An agency may not create or implement an exchange without legislative approval.) Or do you want the other prohibitions too? (An agency also may not request grant funds to implement an exchange and an agency may not assist the federal government in setting up an exchange without legislative approval.)

If I'm not being clear, which is a distinct possibility this morning, please feel free to contact me.

Thanks,
Tami

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau

P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov



3 4
State of Wisconsin
2011 - 2012 LEGISLATURE
In 4/2/13 Due Fri 4/5



LRB-3495/3
TJD:jld/jf

1961/P1

RMNR 6f

2011 ASSEMBLY BILL 531

February 7, 2012 - Introduced by Representatives CRAIG, WYNN, AUGUST, KNUDSON, KNILANS, BERNIER, FARROW, HONADEL, JACQUE, KAPENGA, KOOYENGA, KRAMER, KUGLITSCH, LEMAHIEU, T. LARSON, NASS, STEINEKE, STROEBEL, THIESFELDT and WEININGER, cosponsored by Senators VUKMIR, GALLOWAY, GROTHMAN, LASEE and LAZICH. Referred to Committee on Insurance.

Regen

a health benefit exchange

- 1 AN ACT *to amend* 49.45 (2m) (c) (intro.); and *to create* 49.45 (2m) (dm) and
- 2 146.965 of the statutes; **relating to:** requiring legislation for agencies to take
- 3 an action to, request federal moneys to, and use state moneys to assist the
- 4 federal government to implement federal health reform.

Analysis by the Legislative Reference Bureau

On March 23, 2010, the federal government enacted the Patient Protection and Affordable Care Act (PPACA), which, among other things, imposes requirements and limitations on health insurance policies and health plans, requires the creation of state-based health insurance exchanges through which individuals and small employers can purchase insurance, changes the income eligibility criteria for Medicaid (known as Medical Assistance in this state), and creates incentives for improving access to health care. This bill requires that, before a state agency takes any action to implement PPACA for which the agency would typically promulgate a rule, the agency must request the Legislative Reference Bureau to prepare legislation that allows the agency to take the action. The agency must then submit the proposed legislation to each standing committee of each house of the legislature that has jurisdiction over health or insurance matters. The bill prohibits the agency from taking the action to implement PPACA until the legislation allowing the agency to take the action takes effect. The bill also prohibits an agency from requesting a grant or other moneys from the federal government to implement PPACA and from expending any state moneys, or federal moneys passing through the state treasury, to assist the federal government in implementing PPACA.

American health benefit exchanges, which are

Create or

Create or

creating or

Create or

an American health benefit exchange

use 4x

ASSEMBLY BILL 531

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 49.45 (2m) (c) (intro.) of the statutes, as affected by 2011 Wisconsin

2 Act 32, section 1423k, is amended to read:

3 49.45 (2m) (c) (intro.) Subject to ~~par.~~ pars. (d) and (dm), if the department
4 determines, as a result of the study under par. (b), that revision of existing statutes
5 or rules would be necessary to advance a purpose described in par. (b) 1. to 7., the
6 department may propose a policy that makes any of the following changes related to
7 Medical Assistance programs:

8 **SECTION 2.** 49.45 (2m) (dm) of the statutes is created to read:

9 49.45 (2m) (dm) The department may not follow the procedures under this
10 section to implement a policy that involves an action to implement the Patient
11 Protection and Affordable Care Act, as defined in s. 146.965 (1) (b). If the department
12 proposes a policy under par. (c) that involves an action to implement the Patient

13 Protection and Affordable Care Act, the department shall comply with the procedure
14 under s. 146.965 (2) before taking the action.

15 **SECTION 3.** 146.965 of the statutes is created to read:

16 **146.965 Implementation of federal health reform. (1) DEFINITIONS.** In
17 this section:

18 (a) "Agency" means a board, commission, committee, department, or officer in
19 the state government, except the governor, a district attorney, or a military or judicial
20 officer.

create or

any American health benefit exchange

create or

any American health benefit exchange

any American health benefit exchange as described in 42 USC 18031 as created by

2011 - 2012 Legislature

- 3 -

LRB-3495/3

TJD:jld:jf

ASSEMBLY BILL 531

SECTION 3

American health benefit exchange

1 (b) "Patient Protection and Affordable Care Act" means the federal Patient
2 Protection and Affordable Care Act, P.L. 111-148, as amended by the federal Health
3 Care and Education Reconciliation Act of 2010, P.L. 111-152.

4 (2) LEGISLATION REQUIRED. (a) Notwithstanding s. 227.11 (2), before an agency
5 takes any action to implement any portion of the Patient Protection and Affordable
6 Care Act for which the agency would typically promulgate a rule, the agency shall
7 request that the legislative reference bureau prepare legislation that allows the
8 agency to take the action. The agency shall submit the proposed legislation to each
9 standing committee of each house of the legislature that has jurisdiction over health
10 or insurance matters under s. 13.172 (3). The agency may not take the action until
11 the legislation allowing the agency to take the action takes effect.

12 (b) No agency may request a grant or other moneys from the federal
13 government to implement the Patient Protection and Affordable Care Act unless the
14 state legislature has enacted legislation to allow the request for the grant or other
15 moneys and the legislation is in effect.

16 (c) No agency may expend any moneys of this state, or of any subdivision or
17 agency of this state, or any federal moneys passing through the state treasury to
18 assist the federal government in implementing any portion of the Patient Protection
19 and Affordable Care Act unless the state legislature has enacted legislation to allow
20 the agency to expend those moneys and the legislation is in effect.

21

(END)

regardless of whether the American health benefit exchange is established solely by the state, operated under a partnership with the federal government, or established and facilitated in the state by the federal government



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1961/P1

TJD:kjf:jm

RMR

In: 8/19/13

Due Fri
8/23

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to amend* 49.45 (2m) (c) (intro.); and *to create* 49.45 (2m) (dm) and
2 146.965 of the statutes; **relating to:** requiring legislation for agencies to take
3 an action to, request federal moneys to, and use state moneys to assist the
4 federal government to ^{create or} implement a health benefit exchange federal health
5 ^{reform}

Analysis by the Legislative Reference Bureau

On March 23, 2010, the federal government enacted the Patient Protection and Affordable Care Act, which, among other things, imposes requirements and limitations on health insurance policies and health plans; requires the creation of American health benefit exchanges, which are health insurance exchanges through which individuals and small employers can purchase insurance; and creates incentives for improving access to health care. This bill requires that, before a state agency takes any action to create or implement an American health benefit exchange for which the agency would typically promulgate a rule, the agency must request the Legislative Reference Bureau to prepare legislation that allows the agency to take the action. The agency must then submit the proposed legislation to each standing committee of each house of the legislature that has jurisdiction over health or insurance matters. The bill prohibits the agency from taking the action to create or implement an American health benefit exchange until the legislation allowing the agency to take the action takes effect. The bill also prohibits an agency from requesting a grant or other moneys from the federal government to create or

or issue
an
executive
order

including the
governor

implement an American health benefit exchange and from expending any state moneys, or federal moneys passing through the state treasury, to assist the federal government in creating or implementing an American health benefit exchange.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
SECTION 1. 49.45 (2m) (c) (intro.) of the statutes is amended to read:

49.45 (2m) (c) (intro.) Subject to par. pars. (d) and (dm), if the department determines, as a result of the study under par. (b), that revision of existing statutes or rules would be necessary to advance a purpose described in par. (b) 1. to 7., the department may propose a policy that makes any of the following changes related to Medical Assistance programs:

SECTION 2. 49.45 (2m) (dm) of the statutes is created to read:

49.45 (2m) (dm) The department may not follow the procedures under this section to implement a policy that involves an action to create or implement any American health benefit exchange, as defined in s. 146.965 (1) (b). If the department proposes a policy under par. (c) that involves an action to create or implement any American health benefit exchange, the department shall comply with the procedure under s. 146.965 (2) before taking the action.

SECTION 3. 146.965 of the statutes is created to read:

146.965 Implementation of federal health reform. (1) DEFINITIONS. In this section:

(a) "Agency" means a board, commission, committee, department, or officer in the state government, except the governor, a district attorney, or a military or judicial officer.

health benefit exchanges
B
including the governor but excluding

1 (b) "American health benefit exchange" means any American health benefit
2 exchange, as described in 42 USC 18031 as created by the federal Patient Protection
3 and Affordable Care Act, P.L. 111-148, as amended by the federal Health Care and
4 Education Reconciliation Act of 2010, P.L. 111-152, regardless of whether the
5 American health benefit exchange is established solely by the state, operated under
6 a partnership with the federal government, or established and facilitated in the state
7 by the federal government. *or issue an executive order*

8 (2) LEGISLATION REQUIRED. (a) ~~Notwithstanding s. 227.11 (2),~~ before an agency
9 takes any action to create or implement any portion of an American health benefit
10 exchange for which the agency would typically promulgate a rule, the agency shall
11 request that the legislative reference bureau prepare legislation that allows the
12 agency to take the action. The agency shall submit the proposed legislation to each
13 standing committee of each house of the legislature that has jurisdiction over health
14 or insurance matters under s. 13.172 (3). The agency may not take the action until
15 the legislation allowing the agency to take the action takes effect.

16 (b) No agency may request a grant or other moneys from the federal
17 government to create or implement an American health benefit exchange, unless the
18 state legislature has enacted legislation to allow the request for the grant or other
19 moneys and the legislation is in effect. *Creating*

20 (c) No agency may expend any moneys of this state, or of any subdivision or
21 agency of this state, or any federal moneys passing through the state treasury to
22 assist the federal government in implementing any portion of an American health
23 benefit exchange unless the state legislature has enacted legislation to allow the
24 agency to expend those moneys and the legislation is in effect.

25 (END)

BILL

expending any state moneys, or federal moneys passing through the state treasury, to assist the federal government in creating an American health benefit exchange.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (2m) (c) (intro.) of the statutes is amended to read:

2 49.45 **(2m)** (c) (intro.) Subject to ~~par.~~ pars. (d) and (dm), if the department
3 determines, as a result of the study under par. (b), that revision of existing statutes
4 or rules would be necessary to advance a purpose described in par. (b) 1. to 7., the
5 department may propose a policy that makes any of the following changes related to
6 Medical Assistance programs:

7 **SECTION 2.** 49.45 (2m) (dm) of the statutes is created to read:

8 49.45 **(2m)** (dm) The department may not follow the procedures under this
9 section to implement a policy that involves an action to create or implement any
10 American health benefit exchange, as defined in s. 146.965 (1) (b). If the department
11 proposes a policy under par. (c) that involves an action to create or implement any
12 American health benefit exchange, the department shall comply with the procedure
13 under s. 146.965 (2) before taking the action.

14 **SECTION 3.** 146.965 of the statutes is created to read:

15 **146.965 Implementation of health benefit exchange. (1) DEFINITIONS.**

16 In this section:

17 (a) "Agency" means a board, commission, committee, department, or officer in
18 the state government, including the governor but excluding a district attorney or a
19 military or judicial officer.

Dodge, Tamara

From: Lewis, Amy
Sent: Friday, August 16, 2013 11:56 AM
To: Dodge, Tamara
Subject: RE: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Tami,

Good afternoon. Hope you had a good vacation! Just wanted to let you know that I am leaving Rep. Craig's office on Sept 3rd and he'd like me to have this bill wrapped up before then. If we can get the changes made by next week, that would be great.

Thanks!

Amy Lewis

Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

From: Dodge, Tamara
Sent: Monday, August 12, 2013 1:13 PM
To: Lewis, Amy
Subject: Out of Office AutoReply: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

I am out of the office the week of August 12, 2013. I will be checking this email account periodically, but if you need immediate assistance please call the legal section front desk at (608) 266-3561.

Dodge, Tamara

From: Lewis, Amy
Sent: Monday, August 12, 2013 1:14 PM
To: Dodge, Tamara
Subject: RE: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Follow Up Flag: Follow up
Flag Status: Flagged

Tami,

Just was following up to make sure you received this email?

Thanks,

Amy Lewis

Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

From: Lewis, Amy
Sent: Thursday, August 01, 2013 4:40 PM
To: Dodge, Tamara
Subject: RE: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Tami,

Thank you for your prompt reply. I think we would like to modify this bill a little. We would like to include the governor in the prohibition against setting up an exchange without legislative oversight/enactment. Also, we would for paragraph (c) beginning on line 20 of page 3, we would like to modify that to simply say that no moneys can be expended to set up an exchange, versus "implementing any portion..."

Does that make sense? Let me know if you have suggestions or require clarification.

Thanks!
~Amy

From: Dodge, Tamara
Sent: Thursday, August 01, 2013 2:19 PM
To: Lewis, Amy
Subject: RE: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Amy,

I'll take a look at this in the next few days and get back to you by early next week with an answer. If the governor would be allowed to create an exchange without legislative approval, I could certainly include the governor in the prohibitions.

Thanks,
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Lewis, Amy
Sent: Wednesday, July 31, 2013 4:11 PM
To: Dodge, Tamara
Subject: FW: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Tamara,

Good afternoon! I am emailing you with a question about a draft you did for us in April of this year. This may be an obvious question, but I just want to make sure. Page 2, line 17 defines "Agency" and makes an exception the governor from the definition. The purpose of the legislation is to require legislative oversight, and law, for the implementation of a health insurance exchange under PPACA, so it cannot be done by administrative rule alone. Under this bill, would it be possible for the governor to in some way establish an exchange or assist in the establishment of an exchange, because he/she is not included in the definition of "Agency?"

Thanks for your help!

~Amy

Amy Lewis

Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

From: LRB.Legal
Sent: Wednesday, April 03, 2013 11:21 AM
To: Rep.Craig
Subject: Draft review: LRB -1961/P1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Following is the PDF version of draft LRB -1961/P1.

Rose, Stefanie

From: Dodge, Tamara
Sent: Tuesday, October 22, 2013 3:21 PM
To: Barman, Mike
Subject: FW: Draft review: LRB -1961/1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Could you jacket LRB-1961 for the Assembly for Rep. Craig.

Thanks,
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Schacht, Nathan
Sent: Tuesday, October 22, 2013 1:42 PM
To: Dodge, Tamara
Subject: RE: Draft review: LRB -1961/1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Looks good, go ahead and jacket.

Nathan Schacht
Office of State Representative David Craig

From: Dodge, Tamara
Sent: Tuesday, October 22, 2013 1:05 PM
To: Schacht, Nathan
Subject: FW: Draft review: LRB -1961/1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Nathan,

Attached is the /1 version of 13-1961. If it looks all set, just let me know (email is fine), and I will have it jacketed for the Assembly for you.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: LRB.Legal
Sent: Wednesday, August 21, 2013 10:10 AM

To: Dodge, Tamara

Subject: Draft review: LRB -1961/1 Topic: Requiring legislative action for the implementation of exchanges under federal health reform law

Draft Requester: Rep. David Craig

Following is the PDF version of draft LRB -1961/1.